



NATIONAL ASSOCIATION OF CANNABIS BUSINESSES

Public Health Sub-Committee

A 2 Part Discussion Guide for
09.27.21 and 09.30.21



Agenda / Discussion Guide

- 11:00am **Call to Order for Sub-Committee on Public Health; approval of minutes from 9/20/2021 and 9/23/21**
Cannabis Control Board Conference Room
- 11:05am Review Packaging Examples and Warning Symbols – receive feedback
- 11:45am Next steps & assignment of tasks / finalization of warning statements
- 11:50am Public Comments
- 12:00pm Adjourn

Public Health

SUB-COMMITTEE MEMBERS

NACB

- Deneka Scott
- Mark Gorman

Advisory Committee

- Tim Wessel
- Dr. Mark Levine
- Ingrid Jonas

CCB

- Julie Hulburd

- Advertising & Marketing
 - *(Point of Sale flyer for retailers)*
- Packaging & Labeling, including standard cannabis symbol
 - *Dates/shelf-life*
 - *Data we could present*
- Edibles & DOH oversight

MILESTONE

- **OCTOBER 20, 2021**

Assist the Board in the development of:

- Regulations regarding advertising and marketing that limit youth exposure.
- Packaging & Labeling
- Consideration of dispensary as food manufacturing establishment

- Roll Call
- Approval of Minutes
 - Motion to approve Public Health Sub-Committee meeting minutes from 9/13
 - 9/16 Minutes – No Quorum
- CCB Comments

Public Comments – 9/27

- I read a story in the Brattleboro Reformer about your participation in the Vermont Cannabis Advisory Committee, and your interest in product labeling. That's a critical part of keeping kids (and adults) safe. Symbology is important, but so are the overall package design and the size of words and graphics. Please take a look at the attached photo of a package of edible chocolate drops purchased in Massachusetts. To a child's eye it's simply a package of delicious chocolates. The words "cannabis-infused" are small and sideways, while the very kid-attractive "Milk Chocolate Drops" is big and bold. The back has a ton of small print and a few symbols, but nothing that can compete for a child's attention. I don't know how to address this problem, other than by requiring the package warning to be bigger than anything else. It's a thorny issue, and I wish you well in designing a solution. - *Tom Buchanan*



Reviewed on 9/27

No Public Comments for 9/30
Submit Public Comments to:
<https://ccb.vermont.gov/form/publicinputform>

Key Requirements of Recommendations to CCB

- **Phase 1**

- Advertising & Marketing rules and guidelines
 - Guidelines, including warning statements for packaging/labeling/advertising
 - Licensee material approvals
- Packaging & Labeling rules & guidelines
 - Standard cannabis symbol
 - Dates/shelf-life
 - Warning labels

- **Phase 2**

- Edibles & Department of Health oversight

Package Examples

8 common types of cannabis packaging

- Glass jars and bottles
- Resealable containers
- Silicon jars
- Tin containers
- Plastic vials
- Mylar bags
- Vape cartridge
- *Pre-roll / blunt*



[Packaging blog post](#) (on the first 6 types)

Recommended Areas for Packaging/Labeling Requirements

- **Child Resistant**
- **Certification**
 - Of child resistant packaging (CRP)
 - If CRP not required, the exit package meets FDA standards for safe packages and identifies batch & lot numbers
- **Packaging/Packaged Cannabis**
 - Child resistant
 - Edibles:
 - Demarcated into separate serving sizes
 - Identify the product as cannabis,
 - Liquid edibles – includes measuring component to indicate serving size/increments
- **Exit Packages**
 - Do not appeal to minors
 - Opaque bags
 - Stapled (open container)
 - Sealable container
- **Packaging Layers**
 - Comply with CCB cannabis promotion guidelines (advertising, marketing, branding, logos)
- **Product ID**
 - Batch ID
 - Cultivator's license number
- **Warning Symbol**
- **Warning Statement(s)**
- **Prohibitions**
 - False or misleading information
 - Child appeal prevention
 - Health/Medical/Disease Claims
- **Product Facts**
 - Ingredients
 - How/where product is made
 - Allergen warnings
 - Edibles: serving size and THC content (i.e. – THC per piece)
 - Flower – THC content
- **Product Instructions**
- **Tamper Evident Packaging**

CALIFORNIA

GOVERNMENT WARNING: THIS PRODUCT CONTAINS CANNABIS, A SCHEDULE 1 CONTROLLED SUBSTANCE. KEEP OUT OF REACH OF CHILDREN AND ANIMALS. CANNABIS PRODUCTS MAY ONLY BE POSSESSED OR CONSUMED BY PERSONS 21 YEARS OF AGE OR OLDER UNLESS THE PERSON IS A QUALIFIED PATIENT. THE INTOXICATING EFFECTS OF CANNABIS PRODUCTS MAY BE DELAYED UP TO TWO HOURS. CANNABIS USE WHILE PREGNANT OR BREASTFEEDING MAY BE HARMFUL. CONSUMPTION OF CANNABIS PRODUCTS IMPAIRS YOUR ABILITY TO DRIVE AND OPERATE MACHINERY. PLEASE USE EXTREME CAUTION.

Prepackaged Edible



INSTRUCTIONS: Eat 1-2 gummies. Onset should start around 10 minutes. Wait 60 minutes for full dose absorption. Keep in a cool, dry place. Avoid temperatures of over 75° F.

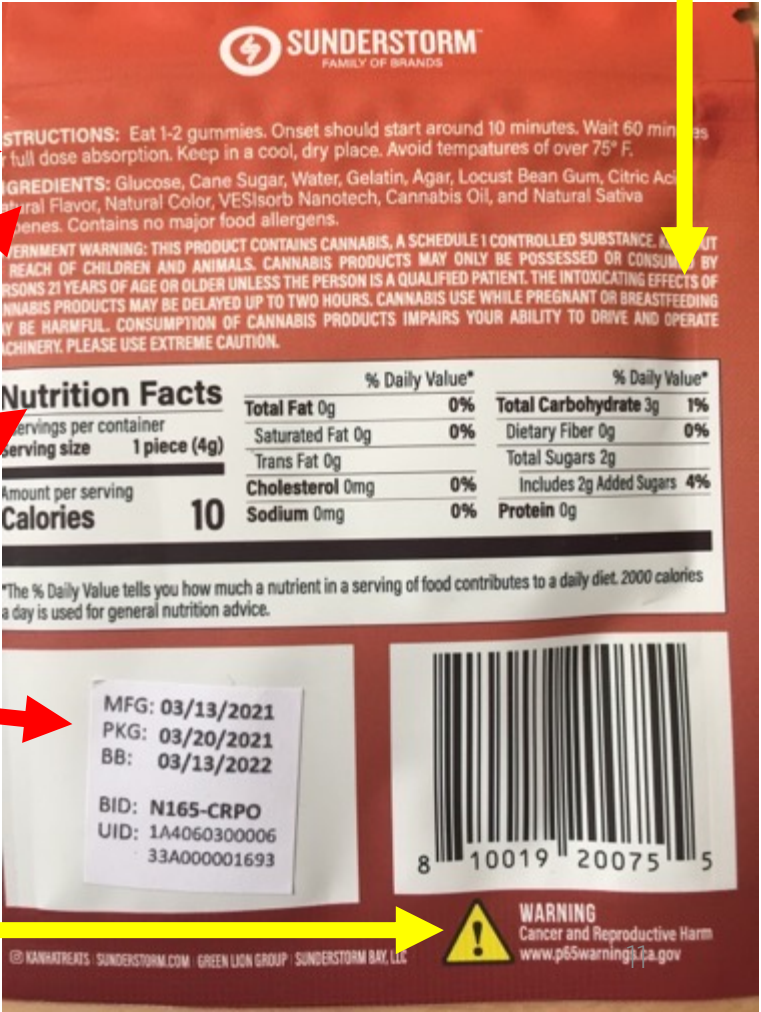
Ingredients list

Nutrition facts

Mfg date
Packaged date
Expiration date

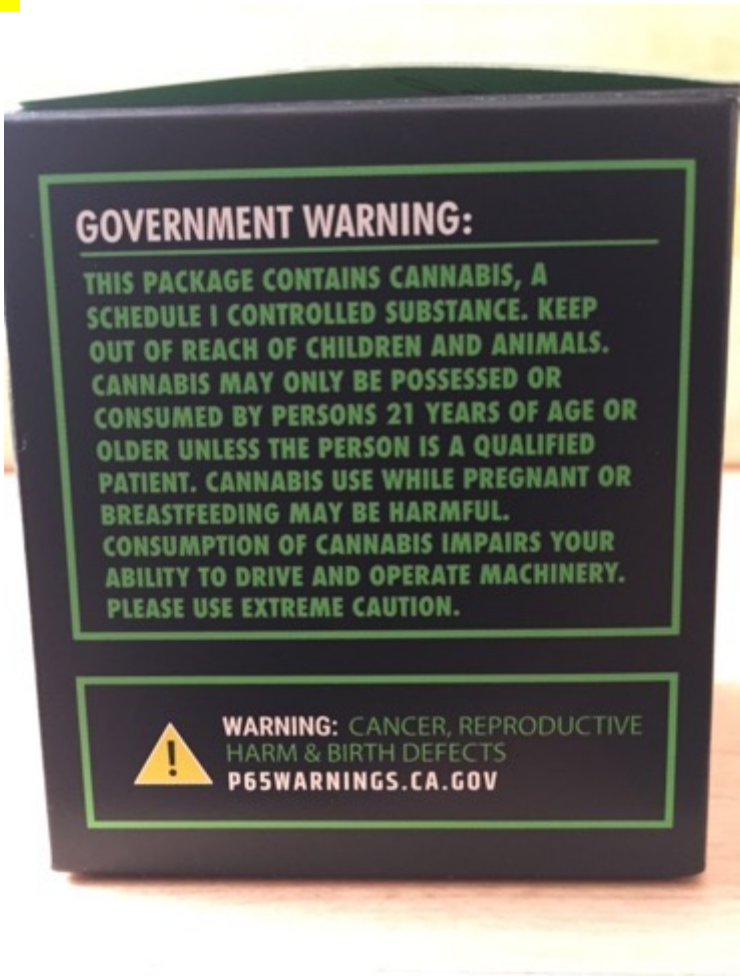
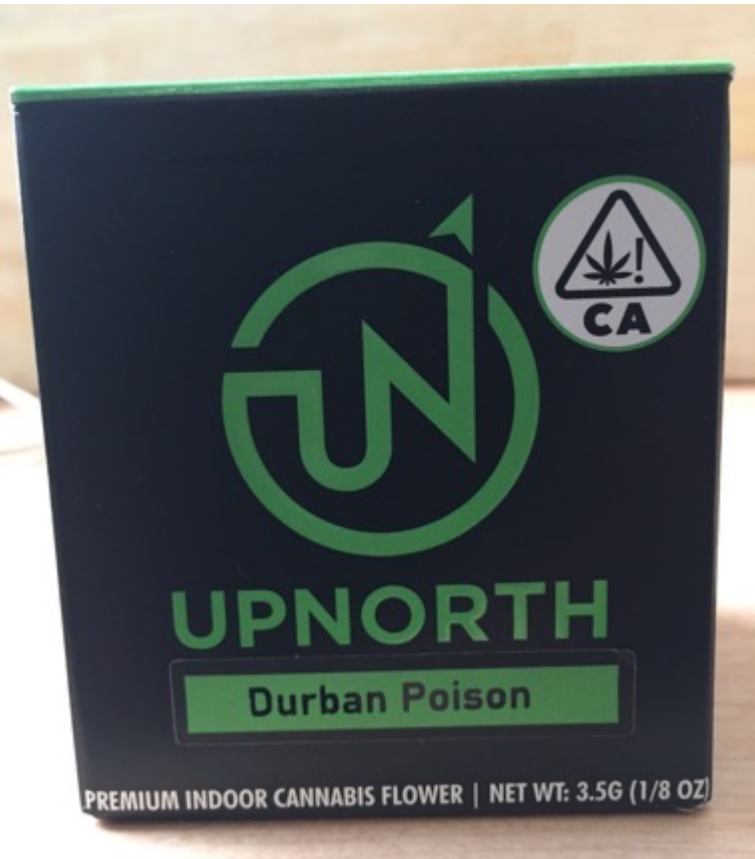
Warning symbol

WARNING
Cancer and reproductive harm
www.p65warnings.ca.gov
With ! Warning Symbol



CALIFORNIA

Sealed boxed – glass jar of cannabis flower



CALIFORNIA

Glass jar of cannabis flower, sealed by label - prepackaged




CALIFORNIA

Glass jar of cannabis flower



*QR Code links to product testing/facts info




Analytics

Exports

Connect

ShareSaveQR CodeReport



Legacy Strains Ice Cream Cake

2102ENC1211_3037

Ice Cream Cake, Plant (Flower - Cured)
Indoor

Indica

Cannabinoids

20.25%
Total THC

<LOQ
Total CBD

14.00%
Moisture

Cannabinoids	Mass (%)	Mass (mg/g)
THCa	22.33%	223.34 mg/g
Δ9-THC	0.67%	6.66 mg/g
Δ8-THC	ND	ND
THCV	ND	ND
CBDa	<LOQ	<LOQ

Discover lab-tested products in your area

Have a Confident Cannabis Account?

Need an account?

Login

Sign Up

Safety

Pass

Test	Status
Foreign Matter	Pass
Heavy Metals	Pass
Microbials	Pass
Mycotoxins	Pass


Terpenes

Terpene	%	mg/g
δ-Limonene	0.92%	9.22 mg/g
β-Caryophyllene	0.84%	8.41 mg/g
Linalool	0.45%	4.51 mg/g
α-Humulene	0.32%	3.22 mg/g
β-Pinene	0.17%	1.73 mg/g

Order Info

1346 LA, LLC

Tested By:
Encore Labs
75 N Vinedo Ave.
Pasadena, CA 91107
☎: +1 626-696-3086
customerservice@encore-labs.com



9/30/21

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ILLINOIS

Prepackaged Edible

Product fact label

Weight – THC – Useable cannabis
QR code (to small to be recognized by
smartphone)

Warning Language – not in all caps (or any caps)

This product contains cannabis and is intended for use by adults 21 and over. Its use can impair cognition and may be habit forming. This product should not be used by pregnant or breastfeeding women. It is unlawful to sell or provide this item to any individual and may not be transported outside of the state of Illinois. It is illegal to operate a motor vehicle while under the influence of cannabis. Possession or use of this product may carry significant legal penalties in some jurisdictions and under federal law.

“Rice marshmallow treat” – 1 bar,
package doesn’t indicate how many
servings or that it is 1 bar - 25mg THC in
total is noted on the product fact label
(VT has statutory requirement of 5mg
per piece nor more than 50mg per
package)

Edible Notice:

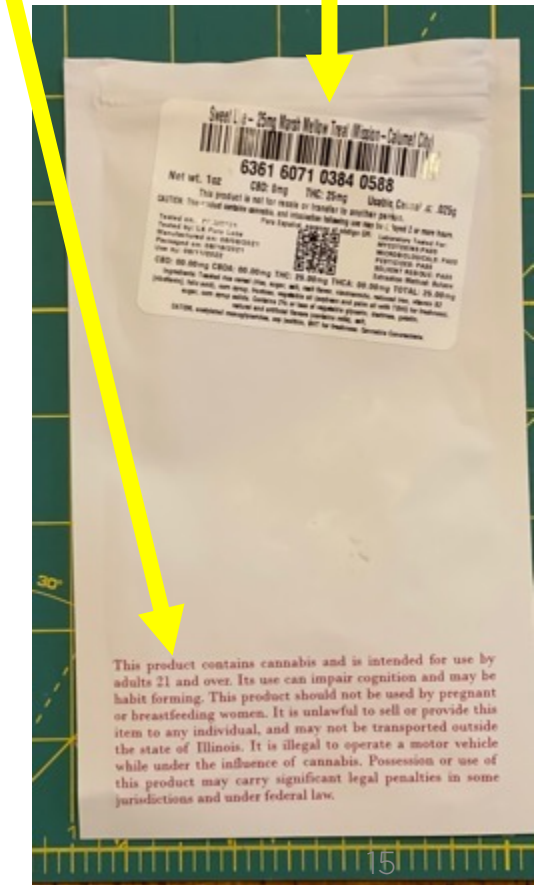
Small font:

This is a cannabis infused product
and not a food.

Larger font: This product was
produced in a cannabis cultivation
center not subject to public
health inspection that may also
process common food allergens.



No servings or
suggestion instructions
No warning symbol



ILLINOIS

Warning Language 1

This product contains cannabis and is intended for use by adults 21 and over. Its use can impair cognition and may be habit forming. This product should not be used by pregnant or breastfeeding women. It is unlawful to sell or provide this item to any individual and may not be transported outside of the state of Illinois. It is illegal to operate a motor vehicle while under the influence of cannabis. Possession or use of this product may carry significant legal penalties in some jurisdictions and under federal law.

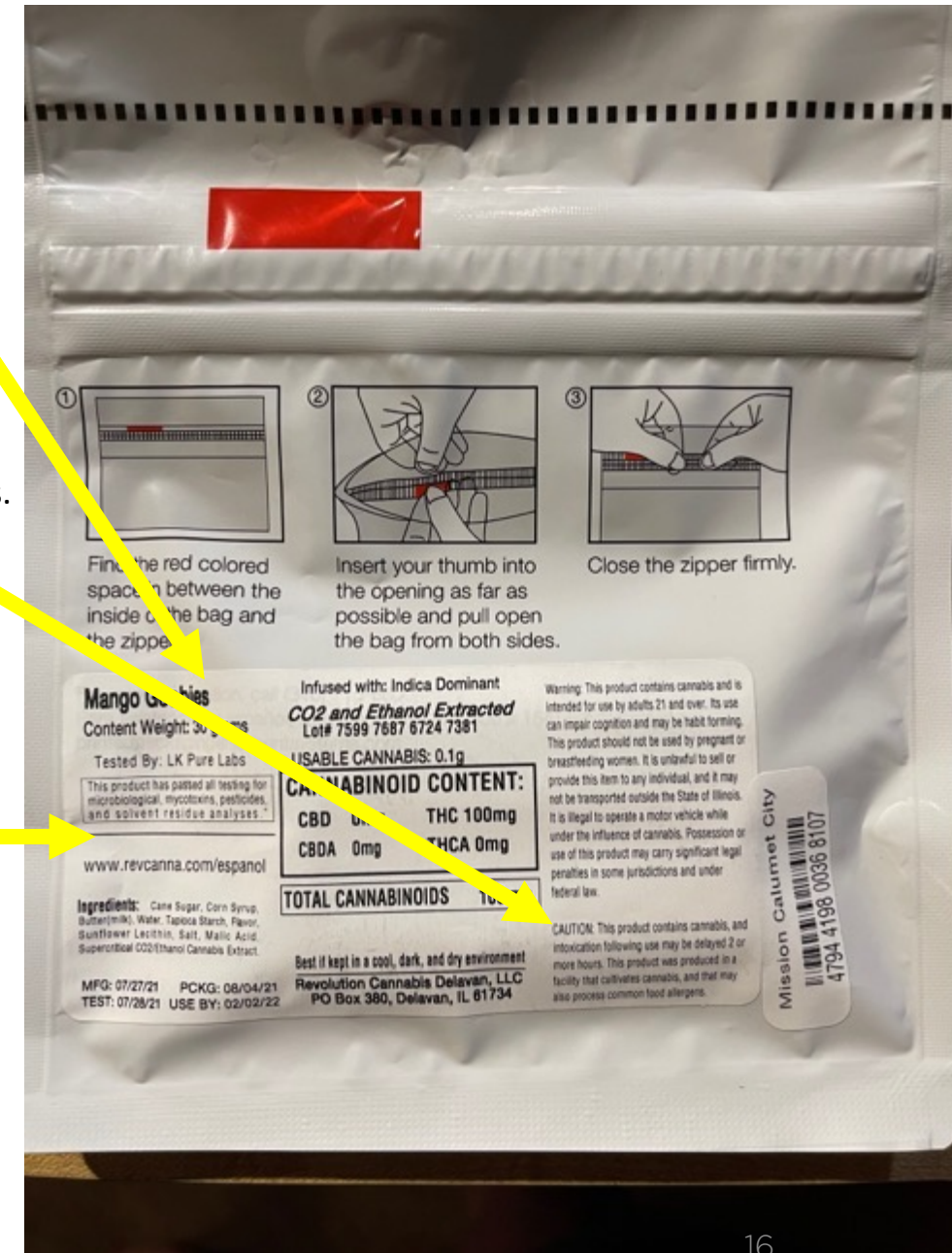
Prepackaged Edible

Warning Language 2 –

This product contains cannabis, and intoxication following use may be delayed by 2 or more hours. This product was produced in a facility that cultivates cannabis, and that may also process common food allergens.

Product fact label

No servings noted
No instructions
No warning symbol



ILLINOIS

Product fact label

of pieces / 100mg THC (total) - 10mg each

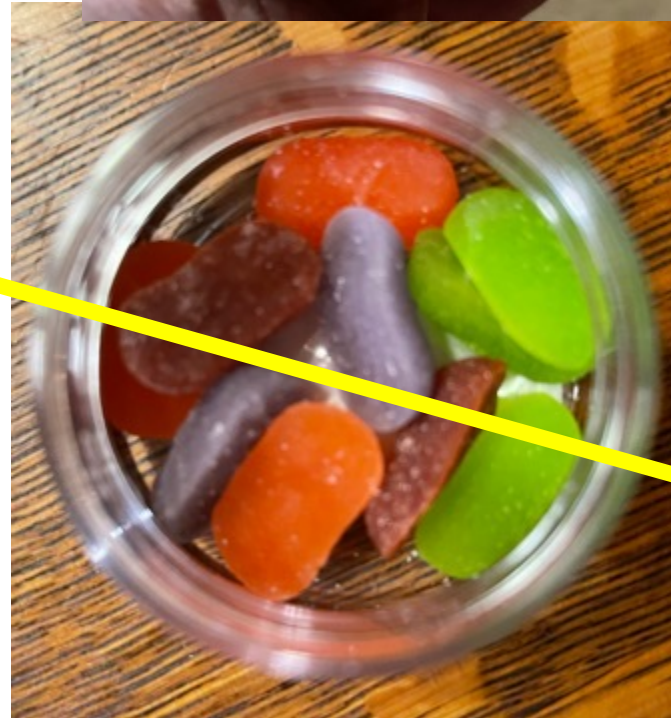
Warning Language

This product contains cannabis and is intended for use by adults 21 and over. Its use can impair cognition and may be habit forming. This product should not be used by pregnant or breastfeeding women. It is unlawful to sell or provide this item to any individual and may not be transported outside of the state of Illinois. It is illegal to operate a motor vehicle while under the influence of cannabis. Possession or use of this product may carry significant legal penalties in some jurisdictions and under federal law.

(printing is illegible regardless of size)

- Container has a “prescription style childproof cap”
- No instructions or suggested instructions
- No warning symbol

Prepackaged Edible



Illinois

- Order via iPad on kiosk
- Order pulled by name/phone number (no inventory is visible)
- Payment made (cash or via ACH through payment processor)
- Product placed in non-descript, opaque brown handle gift style bag

MICHIGAN

Number of pieces
Product fact label has amount
of THC per piece – 10.58gm

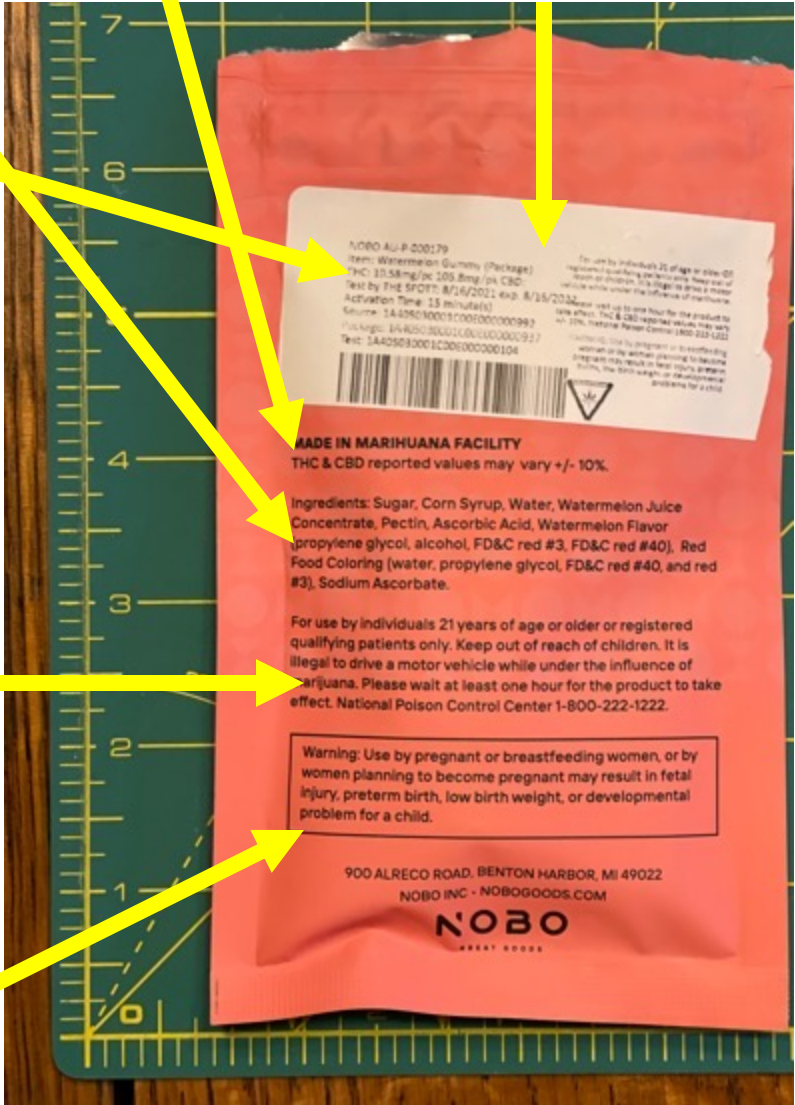
Made in marijuana facility &
Margin of error for THC/CBD

Product fact label

Ingredients

Warning Language 1
For use by individuals 21 years of age and older or registered qualifying patient only. Keep out of reach of children. It is illegal to drive a motor vehicle while under the influence of marijuana. Please wait at least one hour for the product to take effect. National Poison Control Center 1-800-222-1222.

Warning Language 2
Warning: Use by pregnant or breastfeeding women, or by women planning to become pregnant may result in fetal injury, preterm birth, low birth weight, or developmental problem for a child.



MICHIGAN

Prepackaged cannabis flower

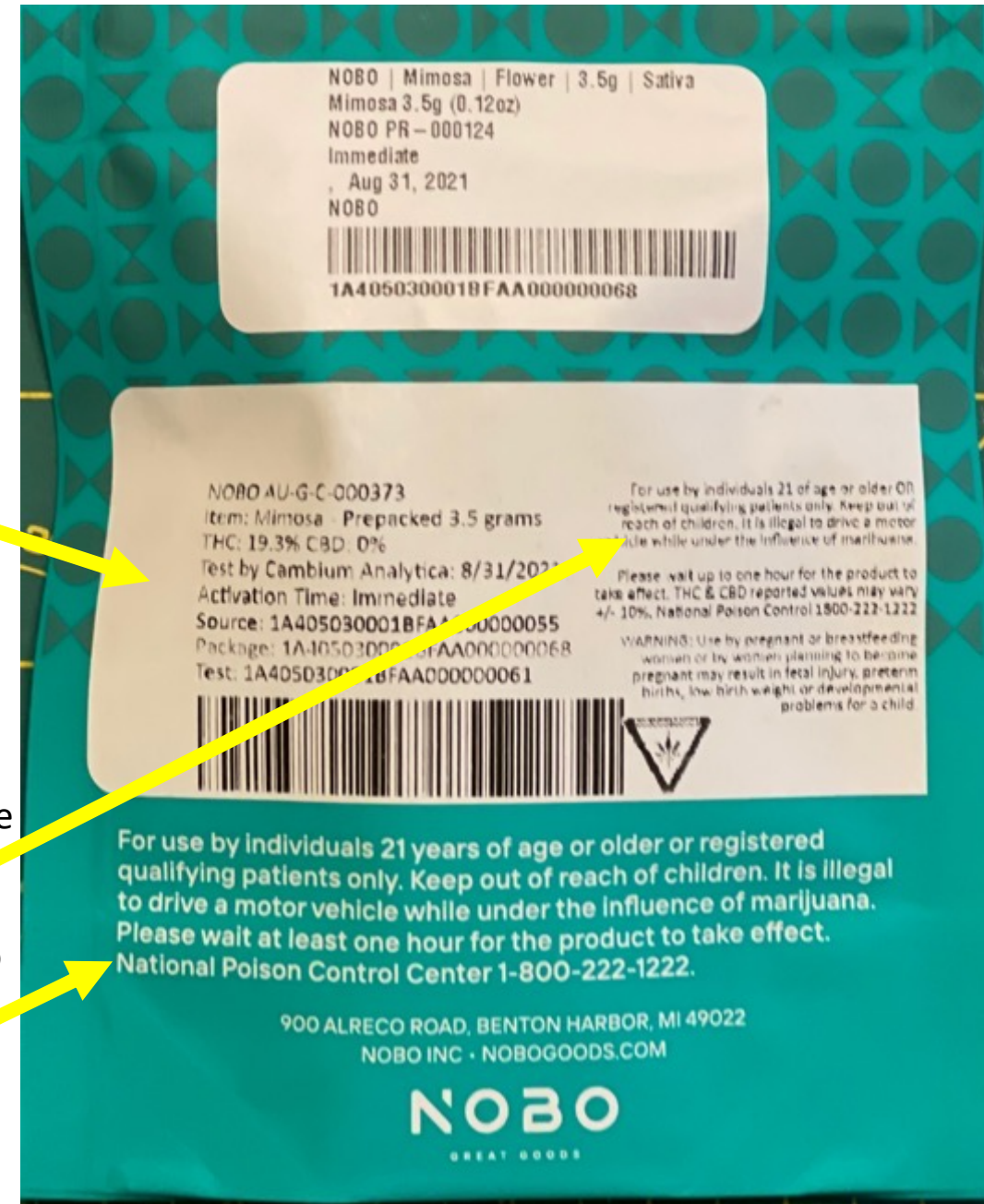


Product fact label

Warning Language

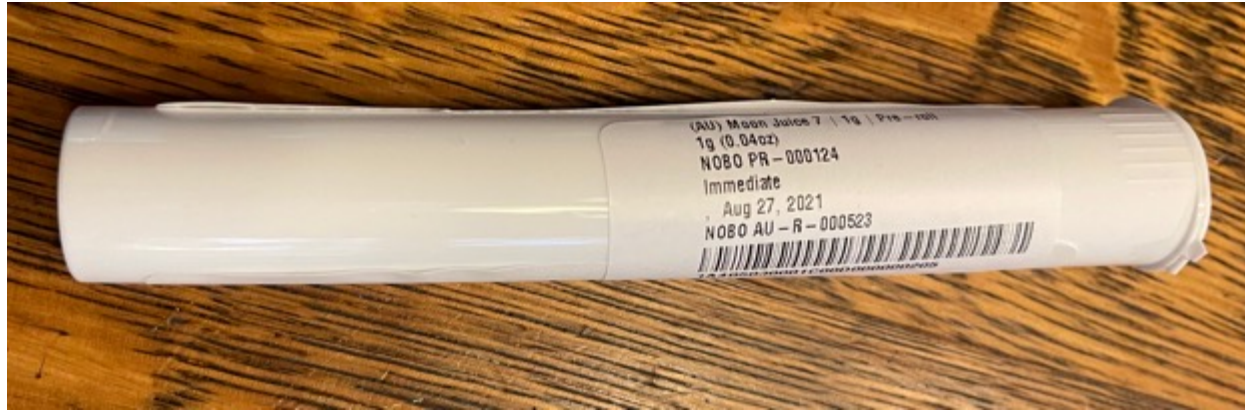
For use by individuals 21 years of age and older or registered qualifying patient only. Keep out of reach of children. It is illegal to drive a motor vehicle while under the influence of marijuana. Please wait at least one hour for the product to take effect. National Poison Control Center 1-800-222-1222.

No pregnancy/breastfeeding or NSFK warning



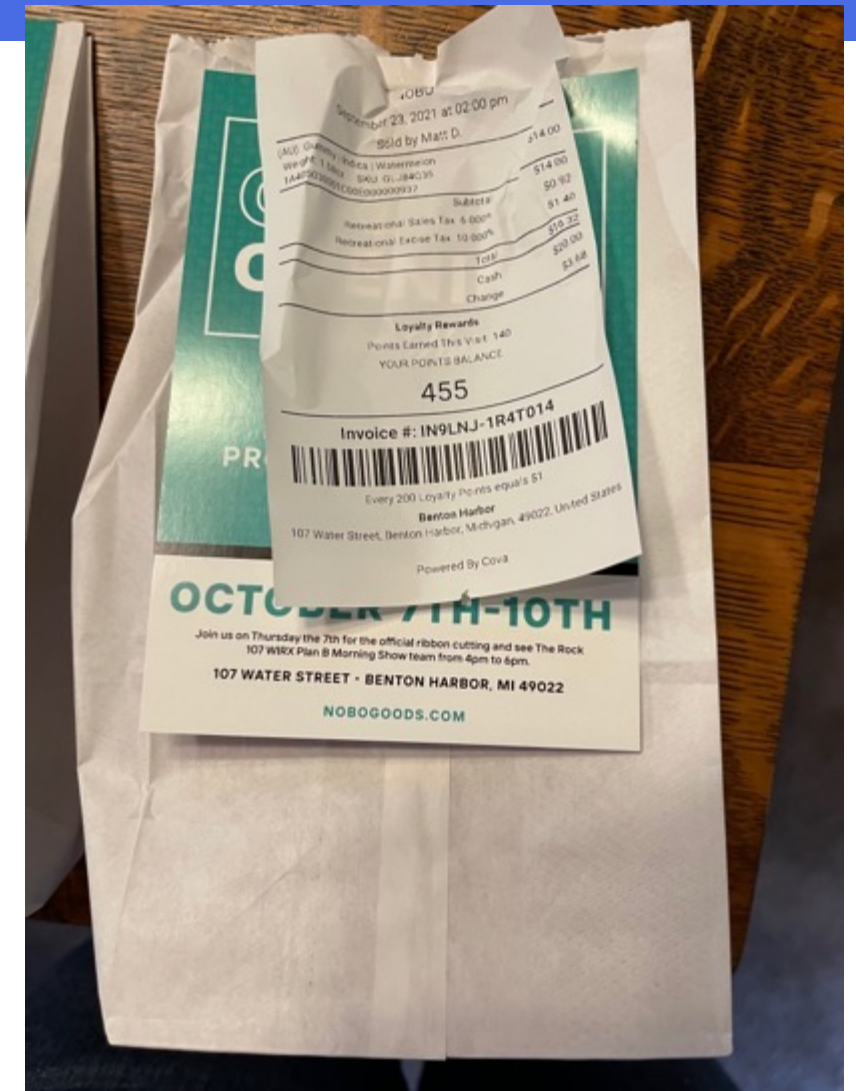
MICHIGAN

Pre-roll / joint



Michigan

- Service provided by Budtenders
- Payment made (cash)
- Product placed in white paper bag and stapled shut (to follow open container laws)



Warning Symbols

ME/MA – Warning Symbol with SC requested leaf





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Red and Yellow Packages / for effect



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ME/MA – Warning Symbol with SC requested leaf and with yellow inside





Red and Yellow Packages / for effect



9/30/21



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Recommendations & Discussion Points

- Warning Language for packages must be concise, and the purchaser must be able to read key points.
- Bullet point warnings may be unrealistic due to size constraints which will affect readability.
- Break apart warning language – similar to other states – which give special “call-out” to “children and/or pregnancy/breastfeeding” language
- Do not allow any packages to be smaller than 5 inches in length – or utilize a “sealed box” to ensure all required elements.
- Consider QR code for use in providing additional health and safety information along with instructions for use and product information
- *Additional recommendations will be provided based on sub-committee member feedback*

DRAFT

Recommendation for Written Warnings

View 1: All language

This is a cannabis product has not been analyzed or approved by the Food and Drug Administration (FDA). For use by individuals 21 years of age and older or registered qualifying patient only. **KEEP THIS PRODUCT AWAY FROM CHILDREN. DO NOT USE IF PREGNANT OR BREASTFEEDING.** The effects of cannabis may be delayed by two hours or more. Cannabis can impair concentration, coordination, and judgment. It is against the law to drive or operate machinery when under the influence of this product. National Poison Control Center 1-800-222-1222.

View 2: Two warnings with call-out box

This is a cannabis product has not been analyzed or approved by the Food and Drug Administration (FDA). For use by individuals 21 years of age and older or registered qualifying patient only. The effects of cannabis may be delayed by two hours or more. Cannabis can impair concentration, coordination, and judgment. It is against the law to drive or operate machinery when under the influence of this product. National Poison Control Center 1-800-222-1222.

KEEP THIS PRODUCT AWAY FROM CHILDREN. DO NOT USE IF PREGNANT OR BREASTFEEDING.

Public Health Committee - Task

- Review packages – select top 2 edible and top cannabis flower packages
- Select warning language which most covers requirements
- Review Packaging and Labeling checklist
- *Items noted and also recommended by the sub-committee for the 9/30/21 will be turned over to the Department of Health for review and input*


Next Step Tasks

- Public Health Sub-Committee members to review and provide feedback on
 - Packages
 - Reduction of youth/child exposure and appeal
 - Warnings for packages
 - Warning Symbols for packaging
- Considerations for 7 VSA 907 (d) – enacted with requirements – “safety information flyer”
 - (d) A retailer shall display a safety information flyer at the point of purchase and offer a customer a copy of the flyer with each purchase. A retailer shall inform the customer that if the customer elects not to receive the flyer, the information contained in the flyer is available on the website for the Board. The flyer shall be developed by the Board in consultation with the Department of Health, posted on the Board's website, and supplied to the retailer free of charge. At a minimum, the flyer or flyers shall contain information concerning the methods for administering cannabis, the amount of time it may take for cannabis products to take effect, the risks of driving under the influence of cannabis, the potential health risks of cannabis use, the symptoms of problematic usage, how to receive help for cannabis abuse, and a warning that cannabis possession is illegal under federal law.

In-Room Public Comments

Submit in writing to:

<https://ccb.vermont.gov/form/publicinputform>



Quick Overview of Act 164 Requirements for Packaging/Labeling

Act 164

- (3) Rules concerning product manufacturers shall include:
- **(A) requirements that a single package of a cannabis product shall not contain more than 50 milligrams of THC, except in the case of: No. 164 Page 37 of 102 2020**
 - (i) cannabis products that are not consumable, including topical preparations; and
 - (ii) cannabis products sold to a dispensary pursuant to 18 V.S.A. chapter 86 and regulations issued pursuant to that chapter;
- **(B) requirements that cannabis products are labeled in a manner that states the number of servings of tetrahydrocannabinol in the product, measured in servings of a maximum of five milligrams per serving, except:**
 - (i) cannabis products that are not consumable, including topical preparations; and
 - (ii) cannabis products sold to a dispensary pursuant to 18 V.S.A. chapter 86 and regulations issued pursuant to that chapter;
- **(C) requirements that cannabis products are labeled with the date the product was manufactured, the date the product is best used by, the ingredients contained in the product, information on the length of time it typically takes for products to take effect, and appropriate warnings developed by the Board in consultation with the Department of Health;**
- **(D) requirements that a cannabis product is clearly identifiable with a standard symbol adopted by the Board indicating that it contains cannabis;**
- (E) procedures and standards for testing cannabis products for contaminants, potency, and quality assurance and control; and
- **(F) requirements for opaque, child-resistant packaging.**

Act 164

- (5) Rules concerning retailers shall include:
 - (A) requirements for proper verification of age of customers;
 - (B) restrictions that cannabis shall be stored behind a counter or other barrier to ensure a customer does not have direct access to the cannabis;
 - (C) requirements that if the retailer sells hemp or hemp products, the hemp and hemp products are clearly labeled as such and displayed separately from cannabis and cannabis products;
 - (D) requirements for opaque, child-resistant packaging of cannabis and cannabis products at point of sale to customer; and
 - (E) facility inspection requirements and procedures.

- Act 164
- § 974. RULEMAKING
- Section (U) labeling requirements for cannabis sold to retailers and integrated licensees, including health warnings developed in consultation with the Department of Health;
- (W) requirements that cannabis products are labeled in a manner that states the number of servings of tetrahydrocannabinol in the product, measured in servings of a maximum of five milligrams per serving, except cannabis products that are not consumable, including topical preparations;
- (X) requirements that cannabis products are labeled with the date the product was manufactured, the date the product is best used by, the ingredients contained in the product, information on the length of time it typically takes for products to take effect, and appropriate warnings developed by the Board in consultation with the Department of Health;
- (Y) requirements that a cannabis product is clearly identifiable with a standard symbol adopted by the Board indicating that it contains cannabis;
- (AA) requirements for opaque, child-resistant packaging;
- (DD) requirements that if the dispensary sells hemp or hemp products, the hemp and hemp products are clearly labeled as such and displayed separately from cannabis and cannabis products;
- (EE) requirements for opaque, child-resistant packaging of cannabis and cannabis products at point of sale to customer;

THC Limits / Summarized

- 50mg Cannabis per package:
 - Edibles
 - Flower
 - Concentrates
 - Vape

Overview of Act 164 and 62 Requirements for Advertising

Act 164 – RE: Advertising

- **Act 164**
- **Sec. 5. (f) page 18 regarding ADVERTISING**
- The Executive Director of the Cannabis Control Board, in consultation with the Office of the Attorney General and the Department of Health, shall ***develop a proposal for advertising for both the adult-use and medical cannabis programs established in this act.***
- The proposal shall reflect the General Assembly's priorities:
 - **not promoting cannabis use**
 - **limiting exposure of cannabis advertising to persons under 21 years of age**
 - **ensuring consumer protection and public safety**
- The proposal shall take the following into consideration:
 - **constitutional protections for commercial speech that may exist regarding the cannabis market**

Act 62: Definitions

- **Act 62**
- § 861. **DEFINITIONS** As used in this chapter:
 - (1) “Advertise” means the publication or dissemination of an advertisement.
 - (2) “Advertisement” means any written or verbal statement, illustration, or depiction that is calculated to induce sales of cannabis or cannabis products, including any written, printed, graphic, or other material, billboard, sign, or other outdoor display, other periodical literature, publication, or in a radio or television broadcast, the Internet, or in any other media.
- The term *does not include*:
 - (A) any label affixed to any cannabis or cannabis product, or any individual covering, carton, or other wrapper of that container that constitutes a part of the labeling under provisions of these standards
 - (B) any editorial or other reading material, such as a news release, in any periodical or publication or newspaper for the publication of which no money or valuable consideration is paid or promised, directly or indirectly, by any cannabis establishment, and that is not written by or at the direction of the licensee
 - (C) any educational, instructional, or otherwise noncommercial material that is not intended to induce sales and that does not propose an economic transaction, but that merely provides information to the public in an unbiased manner; or
 - (D) a sign attached to the premises of a cannabis establishment that merely identifies the location of the cannabis establishment

Act 62: Advertising Rules

More specifically, Act 62 stipulates the following rules:

- § 864. ADVERTISING
 - (b) A cannabis establishment advertisement shall not contain any statement or illustration that:
 - (1) is deceptive, false, or misleading
 - (2) promotes overconsumption
 - (3) represents that the use of cannabis has curative effects
 - (4) offers a prize, award, or inducement for purchasing cannabis or a cannabis product, except that price discounts are allowed
 - (5) offers free samples of cannabis or cannabis products
 - (6) depicts a person under 21 years of age consuming cannabis or cannabis products; or
 - (7) is designed to be or has the effect of being particularly appealing to persons under 21 years of age

Act 62: Advertising Rules

- (c) Cannabis establishments shall not advertise their products via any medium unless the licensee can show that not more than 15 percent of the audience is reasonably expected to be under 21 years of age. **(85% over 21)**
- (d) All advertisements shall contain **health warnings** adopted by rule by the Board in consultation with the Department of Health.
- (e) All advertisements **shall be submitted to the Board** on a form or in a format prescribed by the Board, prior to the dissemination of the advertisement. The Board may:
 - (1) **require a specific disclosure be made in the advertisement in a clear and conspicuous manner if the Board determines that the advertisement would be false or misleading without such a disclosure; or**
 - (2) **require changes that are necessary to protect the public health, safety, and welfare or consistent with dispensing information for the product under review**

Specific Recommendations to Ensure Compliance with Advertising Rules

*For sub-committee discussion purposes to support requirements – **starting points/considerations/recommendations** to the Vermont CCB the following actions to ensure compliance by cannabis licensees:*

- **Create Vermont Cannabis Advertising & Marketing Guidelines/Requirements** with (self-audit) checklist for licensees to ensure understanding of requirements in development of advertising/marketing materials (prior to submission for approvals). (See below for specific content considerations – #2-5)
 - Create a form and format to be used by licensees in submitting advertisements for review by the CCB
 - Establish a fee for advertisement review by the Board
- **Draft a health warning label for cannabis packages**; consider additional for types of cannabis packages (i.e., edibles)
- **Specify means of assuring** that advertising audience contains no more than 15% under 21 y/o (**85% audience must be over 21**)
- **Require “age-gating” for social media sites and related advertising pages** to limit underage access to commercial cannabis messaging

Specific Recommendations to Ensure Compliance with Advertising Rules

Continued: For sub-committee discussion purposes to support requirements – starting points/considerations/recommendations to the Vermont CCB the following actions to ensure compliance by cannabis licensees:

- **Draft language for medicinal cannabis advertising** which alerts licensees of requirements and/or prohibited language regarding medicinal use and health claims
- **Develop possible sanctions for non-compliance with advertising rules and what the process is to rectify violations**; consider alternative actions for “repeat offenders”
- **Develop educational website for parents and guardians** to use in “talking to your kids about marijuana” (expands upon current: <https://www.healthvermont.gov/alcohol-drugs/lets-talk-cannabis/cannabis-and-youth>)
- **Draft initiatives that would clearly distinguish** between commercial messages for adult-use and medical cannabis